

**HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE**  
**AND**  
**HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY**

**Writ Petition No.1916 of 2007**

**Between:**

Chintapalli Lajaru and others.

... Petitioners

**And**

Bhimavaram Municipality,  
represented by its Commissioner,  
Bhimavaram and others.

...Respondents.

**:: O R D E R ::**

Counsel for the petitioners

: Sri Y.Ramatirtha

**5<sup>th</sup> February, 2007**

**Per G.S. SINGHVI, C.J.**

In this petition, the petitioners have questioned the proposed establishment of Municipal Solid Waste Compost Yard in Survey No.318/3 of Yanamadurru Village, Bhimavaram Mandal and prayed for quashing of resolution dated 20.11.2006 passed by Bhimavaram Municipality (respondent No.1). They have further prayed for issue of a direction to respondent Nos. 2 to 6 not to grant permission to respondent No.1 to establish waste compost yard in Survey No.318/3 of Yanamadurru Village.

In the affidavit filed by him, petitioner No.4, Bhogireddy Gopalam has averred that the petitioners are residents of Yanamadurru Village and have been eking out their livelihood by undertaking agricultural operations. He has referred to the resolution passed in the general body meeting of respondent No.1 held on 20.11.2006 for establishing compost yard in Survey No.318/3 of Yanamadurru Village and averred that the same is liable to be annulled on the ground of violation of the provisions contained in the Municipal Solid Wastes (Management and Handling) Rules, 2000 (for short, 'the Rules'). Sri Bhogireddy Gopalam has pleaded that if resolution dated 20.11.2006 passed by respondent No.1 is implemented and the compost yard is established, the same will spoil the environment and become great hazard to the health of the residents apart from affecting the crops in the nearby fields.

Shri Y. Ramatirtha, learned counsel for the petitioners referred to the provisions contained in Rules 4 to 7 of the Rules and argued that the respondents cannot establish compost yard without complying with the conditions enumerated in the Rules. He further argued that the decision to establish the compost yard in Survey No.318/3 will become a perpetual health hazard for the people and, therefore, the resolution of the general body of Bhimavaram Municipality is liable to be quashed.

We have thoughtfully considered the submissions of the learned counsel,

but have not felt persuaded to entertain the writ petition. It is neither the pleaded case of the petitioners nor any evidence has been produced before the Court to show that the municipal authorities have already established the compost yard. Therefore, there is no reason to think that the respondents would act in violation of the Rules. In law, there is a presumption of regularity of the action taken by the public authorities, and the Court cannot pass an order by presuming that the concerned authority will necessarily act in violation of the statutory provisions. In our considered view, the writ petition is premature and is liable to be dismissed as such.

There is another reason for our disinclination to entertain the prayer. The petitioners have not produced any evidence before the Court to show that their land is going to be utilised for establishing the compost yard or that they would be adversely affected, if the resolution of the General Body of the municipality is implemented.

For the reasons stated above, the writ petition is dismissed. However, leave is granted to the petitioners to file fresh petition if the respondents take action for establishing the compost yard without complying with the relevant statutory provisions.

As a sequel to dismissal of the writ petition, WPMP.No.2422 of 2007 filed by the petitioners for interim relief is also dismissed.

**G.S.SINGHVI, C.J.**

**C.V.NAGARJUNA REDDY, J.**

5<sup>th</sup> February, 2007

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